

### **REMARKS/ARGUMENTS**

Claims 1, 3-5, and 7-12 remain in this application. Claim 1 has been amended.

The Examiner has rejected all of the claims in this application under 35 U.S.C. §102(e) as unpatentable in view of US Patent Publication No. 2002/0103724 (Huxter). The Applicant respectfully requests favorable reconsideration of this rejection for the reasons set out below.

The Examiner has issued a final Office Action on October 30, 2007. Accordingly, this response is being filed together with a request for continued examination. The Applicant respectfully submits that the amended claims fully distinguish over the prior art cited to date by the Examiner and further examination is respectfully requested.

#### **Summary Of Interview**

The undersigned would like to thank the Examiner for the telephone interview which took place on December 5, 2007. The discussion which took place at the interview is summarized below.

The undersigned began by explaining the proposed claim amendments to claim 1 informally provided to the Examiner at an earlier date. The claim amendments discussed are identical to those in this response. The undersigned explained that the amendments to claim 1 focused on clarifying the difference between the "primary location", the "preferred redirection location", and the "alternative redirection location". Specifically, the claim amendments clarify that the primary delivery location and the preferred redirection location are selected by the recipient prior to the delivery of the parcel. The alternative redirection location is selected by the recipient after the delivery to the primary location fails and the recipient receives a notification of an upcoming delivery to the preferred redirection location. The claim amendments make it clear that

the recipient can respond to the notification by changing the preferred redirection location (specified prior to the delivery) to an alternative redirection location. In other words, the notification of the delivery and the ability to respond by selecting the alternative redirection location give the recipient greater flexibility to select the delivery location of his parcel "on the fly".

The undersigned then went on to address the Examiner's objections to claim 1, as set out in Paragraph 2 of the Office Action. Specifically, the undersigned reviewed with the Examiner each of the passages and other references to Huxter cited by the Examiner as teaching the above limitations. The comments of the undersigned regarding Huxter are summarized below.

With respect to box 340 in Figure 10A, the box states "application server sends message to delivery company confirming successful delivery". Box 340 clearly refers to notification of a successful delivery. On the other hand, claim 1 clearly recites communicating the notification to the recipient only if the delivery to the primary location fails. The undersigned also pointed out to the Examiner that box 340 is not described anywhere in the written description of Huxter.

With respect to Paragraph 17, this paragraph states "...upon receipt of the package by the automated collection point, the customer will automatically be sent a message containing notification of delivery." [emphasis added]. This is clearly different from the notification of an upcoming delivery in the event of a failed delivery attempt, as recited in claim 1.

With respect to paragraph 189, this paragraph teaches sending a failed delivery message to an application server. However, there is no disclosure of a notification of an upcoming delivery to another location (recited in claim 1). In addition, the notification in claim 1 is directed to the recipient rather than an application server.

Paragraph 203 of Huxter teaches sending an order expired message to the customer. Again, there is no disclosure of an upcoming delivery to any kind of redirection location.

With respect to box 109 in Figure 8, this box says nothing other than the customer can build a list of preferred alternate collection points to be used for deliveries. Box 109 contains no disclosure of notifying the recipient of a failed delivery or the ability by the recipient to reply by providing an alternate redirection location. The undersigned referred the Examiner to paragraph 174 and 175 which describes the process illustrated in Figure 8. The first sentence of paragraph 174 clearly describes a process by which the customer registers with the parcel delivery system. It is clear that customer registration must occur prior to any delivery attempt. Accordingly, Figure 8 does not disclose any method or process which relates to notification following a failed delivery attempt, or any responses to such notification which permit the recipient to change the delivery location to an alternative redirection location.

With respect to Figure 40, this figure does disclose delivery of a parcel to a redirection location in the event of a failed delivery at a primary location. However, the redirection location selected in Figure 40 is provided by the customer during registration. Accordingly, there is no disclosure of any notification of a failed delivery, nor is there any disclosure of the ability to select an alternative redirection location in the response to the failed delivery notification. The disclosure of Figure 40 is consistent with other parts of Huxter. Specifically, if a redirection location is selected during registration, there is no need to notify the customer of a failed delivery to the primary location. The system of Huxter simply automatically selects the preferred redirection location from the customer details stored on its server.

With respect to paragraphs 249 and 250, paragraph 249 also teaches that a recipient may elect to have the parcel delivered to an alternative location. However, the last sentence at the bottom of the left column of page 16 makes it clear that the

redirection location is established by the customer as part of registration. As discussed above, registration, by definition, takes place prior to the delivery attempt.

Paragraph 250 also discusses redirecting the parcel to an alternative location in the event of a failed delivery. However, this paragraph does not discuss notifying the recipient of the failed delivery. There is certainly no teaching of the ability for the recipient to respond to a failed delivery notification by changing the redirection location.

At the conclusion of the interview, the Examiner and supervisor agreed with the undersigned that claim 1 as amended did not read on Huxter.

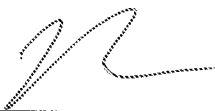
#### **Additional Remarks**

For anticipation under 35 U.S.C. 102, the prior art reference must teach every aspect of the claimed invention (see MPEP Section 706.02 IV). In light of the above, the applicant respectfully submits that Huxter does not teach every aspect of the invention recited in claim 1. Accordingly, claim 1 is allowable. Because the remaining claims depend from an allowable base claim, the Applicant respectfully submits that the remaining claims are also allowable.

Applicant requests that timely notice of allowance be issued in the case.

Respectfully submitted,

BERESKIN & PARR

By 

Victor Krichker  
Reg. No. 50,198  
Tel: (416) 957-1699